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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 BANK OF NEW YORK MELLON,

7 Plaintiff,

8 v.

9 AZURE ESTATES OWNERS
ASSOCIATION, et al.,

10 Defendants.
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Case No. 2:17-cv-00980-APG-DJA

ORDER

12 Presently before the Court is Defendant Ricardo Fojas' Motion for Additional Discovery
13 (ECF No. 93), filed on April 2, 2020 and Motion to Extend Joint Pretrial Order Deadline (ECF
14 No. 94), filed on April 9, 2020.

15 This case involves a non-judicial foreclosure sale by a homeowners' association. The
16 bank seeks a declaration that its deed of trust, which secures a loan, was not extinguished by the
17 foreclosure sale. (Compl. (ECF No. 1).) The Falls Family Trust purchased the home at issue at
18 the foreclosure sale. (*Id.*) After this litigation commenced, Fojas substituted in as a party in place
19 of the Falls Family Trust. (Order (ECF No. 38).)

20 Fojas now moves for an additional discovery period as he indicates that there was
21 insufficient discovery done on the cross-claims. Specifically, he seeks to discover more
22 information on the alleged tender of payment by Plaintiff and the reasons for the HOA rejecting
23 it. Significantly, he fails to cite the excusable neglect standard. Moreover, the discovery period
24 ended on June 12, 2019. (ECF No. 39). Further, the parties have filed dispositive motions, which
25 have been decided. As such, the Court finds that Fojas has not presented sufficient excusable
26 neglect to re-open discovery at this late date and his request will be denied.

27 Fojas also requests another extension of time to file the joint pretrial order on the
28 remaining issues due to difficulties communicating with opposing counsel amid the COVID-19

1 crisis. The Court notes that an extension was previously granted. (ECF No. 87). Fojas' second
2 request will be granted to extend the deadline from April 12, 2020 to May 12, 2020. However, no
3 further extensions will be granted absent exceptional circumstances.

4 IT IS HEREBY ORDERED that Defendant Ricardo Fojas' Motion for Additional
5 Discovery (ECF No. 93) is **denied**.

6 IT IS FURTHER ORDERED that Defendant Ricardo Fojas' Motion to Extend Joint
7 Pretrial Order Deadline (ECF No. 94) is **granted**. The parties proposed joint pretrial order is due
8 by May 12, 2020.

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10 DATED: April 27, 2020.

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13 DANIEL J. ALBREGTS
14 UNITED STATES MAGISTRATE JUDGE
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